

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA,)	
)	
v.)	Case No. 1:07CR265
)	
INGRID DINA LEVY,)	
)	Hon. James C. Cacheris
Defendant)	

**GOVERNMENT’S OPPOSITION TO INGRID LEVY’S
MOTION FOR RELEASE FROM CUSTODY PENDING RE-SENTENCING**

COMES NOW, the United States of America, through its attorneys, Dana J. Boente, United States Attorney, and Jay V. Prabhu, Assistant United States Attorney, and opposes the Defendant Ingrid Dina Levy’s “Motion for Release from Custody Pending Re-Sentencing.” The Defendant’s Motion is without merit.

INTRODUCTION

On June 30, 2009, the U.S. Court of Appeals for the Fourth Circuit affirmed the Defendant’s seven fraud convictions, but remanded the case for re-sentencing. After granting the Defendant’s motion for a continuance, this Court has scheduled the sentencing hearing for October 16, 2009. The Defendant remains in custody. On August 20, 2009, the Defendant filed the pending “Motion for Release from Custody Pending Re-Sentencing.”

ARGUMENT

Motions for release of a defendant pending sentencing are governed by 18 U.S.C. § 3143(a), which creates a presumption against release. The Defendant may rebut the presumption of detention, however, if the Court finds that she has met a test provided for in 18 U.S.C. § 3143(a); simply put, the Defendant must demonstrate “by clear and convincing evidence” that she is not likely to flee or pose a danger to the safety of another person or the community. In this case, Defendant has not met that burden.

While the Government does not contest that Defendant has regularly made her court appearances in this matter and voluntarily surrendered, the Government submits that Defendant has not shown by clear and convincing evidence that she is not a flight risk. As set forth in the government’s previous submissions, the Defendant is a resident alien and is a citizen of France. Furthermore, Defendant still has close connections to France; her mother and two of her siblings currently reside there. The Defendant, now that she has experienced incarceration and has almost exhausted her appellate rights, has even more incentive to flee if she is released at this time. This is especially true since she has previously complained that the Bureau of Prisons has placed her in circumstances worse than she expected.

CONCLUSION

The Defendant here again has not carried her burden to overcome the presumption of detention, as permitted under 18 U.S.C. § 3143(a). She has not demonstrated “by clear and convincing evidence” that she is not likely to flee or pose a danger to the safety of another person or the community.

WHEREFORE, this Court should deny Defendant's motion.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of September, 2009, I will electronically file the foregoing with the Clerk of Court using the CM/ECF, which will then send a notification of such filing (NEF) to the following:

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